

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO.68 OF 2016

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner to declare the inaction of the respondents in not considering the representation dated 05.03.2015 as illegal, arbitrary, discriminatory and against the rule of law and violation of Article 14 and 21 of the Constitution of India.

It is the case of the petitioner that he is a member of Scheduled Caste. The petitioner along with other landless poor were granted pattas in Sy.No.131, 135 and 136 total admeasuring 44.21 gts of the Kalwakurthy village of Mahabubnagar District, pattadar passbooks and title deeds were also issued in their favour. Taking undue advantage of it, the landlords of the village as stated in the representation dated 15.03.2015 grabbed the lands illegally.

During hearing, learned counsel for the petitioner requested to issue a direction to consider the representation dated 05.03.2015 and dispose of the same in accordance with law.

A copy of the representation dated 05.03.2015 is placed on record and it was addressed to Tahsildar, respondent No.2 herein. If really, Pattadar passbooks and title deeds were issued after conducting necessary enquiry as required under Section 3 of the A.P.Rights in Land and Pattadar Passbooks Act (for short "the Act"), the remedy available to this petitioner is to file an appeal or review under the provisions of the Act, instead of filing such appeal or review, the petitioner herein approached the Tahsildar and

submitted a representation and even in case, any such application is made under Section 3 (3) of the Act by any person affected by an entry in such record of rights may, within a period of one year from the date of the notification referred to in sub-section (2), apply, for rectification of the entry to such officer as may be prescribed. The said officer may, after such inquiry as may be prescribed, give his decision on such application and direct the rectification of the record of rights in accordance with such decision which shall subject to the provisions of Section 9, be final. Therefore, an application shall be submitted, if the petitioner is aggrieved by any entry made in the record of rights, may within a period of one year from the date of publication in Gazette. It is not clear from the record that any publication is made and the representation of the petitioner is within the period of limitation prescribed under Section 3 (3) of the Act. Therefore, the respondent No.2 is directed to dispose of the representation dated 05.03.2015 in accordance with law, if the representation is within limitation and in compliance of Section 3 (3) of the Act within a period of three (3) months from the date of receipt of a copy of this Order.

With the above direction, the writ petition is disposed of. No costs.

The miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

17.04.2018
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